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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,734	12/18/2000	Yoshinori Katayama	826.1643/JDH	1325

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EXAMINER

SANTIAGO, ENRIQUE L

ART UNIT	PAPER NUMBER
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2671

DATE MAILED: 12/17/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/737,734

Applicant(s)

KATAYAMA, YOSHINORI

Examiner

Enrique L Santiago

Art Unit

2671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7, 9 and 10 is/are allowed.
- 6) ☒ Claim(s) 1, 3-6, 8, 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-6, 8, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eick et al. US patent no. 5,596,703 in view of Hayashi US patent no. 5,918,238.

-Regarding claims 1, 11 and 12, Eick et al. teaches an apparatus comprising: an input information processing unit receiving character strings as pieces of input information (see figs. 1 and 3, column 3, lines 33-51, column 4, lines 10-28 and 63-65); comparing the pieces of input information based on a plurality of predetermined comparison criteria (see figs. 3 and 4, column 4, lines 34-41, column 8, lines 1-3, column 15, lines 19-54), and determining a plurality of characteristic elements to be assigned colors (see column 4, lines 34-41, column 5, lines 5-22); assigning colors corresponding to a plurality of preset default values or colors defined by each user to the pieces of input information (see column 10, line 60-column 11, line 17).

Eick et al. does not directly teach an apparatus including an information comparing unit, a color assigning unit assigning colors based on the results of a comparison and a color-assigned information providing unit outputting the information, to which the colors have been assigned, to the outside.

However in similar art Hayashi teaches an apparatus including an information comparing unit 108 (see figs. 1 and 5, column 5, lines 11-13, column 6, lines 8-37), a color assigning unit

assigning colors based on the results of a comparison (see figs. 1 and 5, column 5, lines 11-16, column 6, lines 8-37) and a color-assigned information providing unit outputting the information, to which colors have been assigned, to the outside (see the abstract, figs. 1 and 3-5, column 9, lines 36-44, column 12, lines 16-32).

Therefore it would have been obvious to one skilled in the art at the time of the invention to use said apparatus, because it would enable the user to distinguish meanings of graphs and tables with added ease (see Hayashi, column 25, lines 20-29).

-Regarding claim 3, Hayashi further teaches an apparatus wherein said information comparing unit 108 defines elements (cell value) which are common to the pieces of input information as the characteristic elements (see the abstract, column 1, lines 56-65); and said color assigning unit 109 assigns colors to the elements which are common to the pieces of input information (see column 6, lines 8-12, column 7, line 58-column 8, line 12).

-Regarding claim 4, Hayashi further teaches an apparatus wherein: said information comparing unit defines elements which are not common to the pieces of input information as the characteristic elements (see column 7, lines 47-57, column 16, lines 32-38); and said color assigning unit assigns colors to the elements which are not common to the pieces of input information (see column 2, lines 2-10, column 6, lines 8-12, column 16, lines 34-38).

-Regarding claim 5, Hayashi further teaches an apparatus wherein: said information comparing unit compares the pieces of input information, in response to given information (see figs. 1 and 5, column 5, lines 11-16, column 6, lines 8-37); and said color assigning unit assigns colors to elements corresponding to the given information, based on the results of comparison (see figs. 1 and 5, column 5, lines 11-16, column 6, lines 8-37).

-Regarding claim 6, Hayashi teaches an apparatus further comprising: a color changing unit changing a color defined by a user to another color in response to data entry by the user (see column 9, lines 45-62, column 10, line 60-column 11, line 17)

-Regarding claim 8, Eick et al. further teaches an apparatus wherein: the pieces of input information are a series of related information (see the abstract, column 2, lines 34-63, column 7, lines 28-34).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 13 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 13, line 3 includes the limitation “scanning an input source for the target character strings” this subject matter was not described in the specification.

Claim 14 is rejected due to its dependence on rejected claim 13.

Allowable Subject Matter

Claims 7, 9 and 10 are allowed.

Response to Arguments

Applicant's arguments filed have been fully considered but they are not persuasive.

-In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “frequency of occurrence of the

character strings") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Enrique L. Santiago whose telephone number is (703) 306-5908. The examiner can normally be reached on Monday to Friday from 7:00 A.M. to 3:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman, can be reached at (703) 305-9798.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Enrique L. Santiago

December 14, 2003



MARK ZIMMERMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600